

2005 DRAFTING REQUEST

Bill

Received: **07/07/2005**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Luther Olsen (608) 266-0751**

By/Representing: **rebecca**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters: **mlief**

Subject: **Education - miscellaneous**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Sen.Olsen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Pupil transportation requirements outside school district boundaries

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mlief 07/22/2005	wjackson 07/25/2005	rschluet 07/25/2005	_____	sbasford 07/25/2005		S&L
/2	mlief 08/24/2005 pgrant 10/05/2005	wjackson 08/24/2005 wjackson 10/05/2005	jfrantze 08/25/2005	_____ _____ _____	sbasford 08/25/2005	sbasford 09/02/2005	S&L

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/3		wjackson 10/05/2005	jfrantze 10/05/2005	_____	lnorthro 10/05/2005		S&L
/4			chaugen 10/05/2005	_____	lnorthro 10/05/2005	sbasford 10/06/2005	

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13 WJ 10/5

14 WJ 10/5

10/10/5 Jch
10/5

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12 WJ 8/24 J 8/25 J/ch 8/25

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/?	mlief	1 WLj 7/25					
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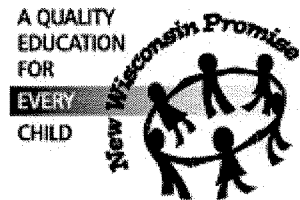
FE Sent For:

<END>

Sen. Olsen

DEPARTMENT OF PUBLIC INSTRUCTION
2005 LEGISLATIVE SESSION

STATUTORY LANGUAGE CHANGE PROPOSAL



Subject: TRANSPORTATION REQUIREMENTS OUTSIDE SCHOOL DISTRICT BOUNDARIES

Agency Contact: Jennifer Kammerud (266-7073)

Description of Intent/Comparison to Current Law:

Under s. 121.54 (2), Stats., "... every school board shall provide transportation to and from public school for all pupils who reside in the school district 2 miles or more from the nearest public school they are entitled to attend." The law also requires public school districts to provide transportation to pupils residing in the district to attend a private school if statutory provisions are met. However, the law is unclear as to whether a public school district must provide transportation to pupils residing in the district who live or spend time in a home outside the resident school district's boundaries. This can become an issue in particular under joint custody agreements following a divorce. For example: A pupil is a resident of the Sun Prairie School District but is living part-time time with his or her father in Marshall. Is Sun Prairie responsible for providing transportation for that pupil from Marshall to Sun Prairie?

This proposal requests statutory language be added under s. 121.54 (2), Stats., to clarify that in the case of a pupil who is spending time in more than one home, the school district of residence is the district in which the pupil attends school. AND EITHER:

- The school district of residence is not required to provide transportation to the pupil during periods in which the pupil is staying in a home outside the resident school district's boundaries.
- OR -
- The school district of residence is not responsible for providing transportation beyond its school district boundaries. Upon request, the resident school district shall provide transportation to a resident pupil at an agreed upon stop during periods in which the pupil is staying in a home outside the resident school district's boundaries. Except as provided under s. 121.54 (10), this provision does not prohibit a resident school district from transporting a pupil to or from a location outside the resident school district's boundaries.

Action in Previous Legislation:

No similar proposals have been introduced in previous legislative sessions.

Related Stat. Citations:

s. 121.54 (2), Wis. Stats.

Requested Effective Date:

Upon passage.

*TO: w Bob Soldner - 7/21 Left message
w/ Bob Soldner - 7/21
Pupils s.d. of res. is sd enroll.
OK to require transp. res of SP
w/ sd boundaries
for transp. from Marshall
village, count if in district of residency
"Sun"?*



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3317/1

MJL:/:....

Wlj

2005 BILL

Duc
7/26

Gen

- 1 AN ACT ^{Gen}...; relating to: transportation of pupils living outside of school district
2 boundaries.

Analysis by the Legislative Reference Bureau

X Under current law, a school district must provide transportation to and from public school for all pupils who reside in the school district two miles or more from the nearest public school they are entitled to attend. This bill requires instead that a school district provide such transportation only within the school district's boundaries. The bill also requires a school district, at the request of the pupil's parent or guardian, to transport the pupil to and from an agreed upon stop when the pupil is living outside the school district's boundaries.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 121.54 (2) (a) of the statutes is amended to read:
4 121.54 (2) (a) Except as provided in sub. (1), every school board shall provide
5 transportation to and from public school within the school district's boundaries for

BILL

SECTION 1

1 all pupils who reside in the school district 2 miles or more from the nearest public
2 school they are entitled to attend.

History: 1971 c. 162; 1973 c. 89, 107, 333; 1975 c. 60, 392, 421; 1977 c. 227, 252, 418; 1981 c. 20 s. 2202 (51) (e); 1983 a. 27, 175; 1985 a. 29 s. 3202 (43); 1985 a. 218, 225, 240; 1993 a. 399, 492; 1995 a. 27 s. 9145 (1); 1995 a. 439; 1997 a. 27, 113, 164; 1999 a. 9, 117; 1999 a. 150 s. 672; 2001 a. 57.

3 **SECTION 2.** 121.54 (2) (e) of the statutes is created to read:

4 121.54 (2) (e) Notwithstanding ^{par-}sub (2) (a), upon the request of a pupil's parent
5 or guardian, a school district shall transport a pupil to and from an agreed ^{upon} stop
6 when the pupil is living outside the school district's boundaries.

7 **SECTION 3. Initial applicability.**

8 (1) This act first applies to the transportation of pupils in the school year
9 beginning after the effective date of this subsection.

10 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3317/1

MJL:wlj:rs

↑
STAYS

2005 BILL

Due
8/26

Rm run

Regen

- 1 AN ACT *to amend* 121.54 (2) (a); and *to create* 121.54 (2) (e) of the statutes;
2 **relating to:** transportation of pupils living outside of school district
3 boundaries.

as the result of
a joint custody
arrangement

Analysis by the Legislative Reference Bureau

Under current law, a school district must provide transportation to and from public school for all pupils who reside in the school district two miles or more from the nearest public school they are entitled to attend. This bill requires instead that a school district provide such transportation only within the school district's boundaries. The bill also requires a school district, at the request of the pupil's parent or guardian, to transport the pupil to and from an agreed-upon stop when the pupil is living outside the school district's boundaries.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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BILL

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2 school they are entitled to attend.

3 **SECTION 2.** 121.54 (2) (e) of the statutes is created to read:

4 121.54 (2) (e) Notwithstanding par. (a), upon the request of a pupil's parent or
5 guardian, a school district shall transport a pupil to and from an agreed-upon stop
6 when the pupil is living outside the school district's boundaries.

7 **SECTION 3. Initial applicability.**

8 (1) This act first applies to the transportation of pupils in the school year
9 beginning after the effective date of this subsection.

10 (END)

because the pupils
parents or guardians
have joint legal custody,[^]
as defined in 50767.001(1s),[^]
of the pupil, ^{letter "s"}

Basford, Sarah

From: Smith, Heather
Sent: Friday, September 02, 2005 3:58 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3317/2 Topic: Pupil transportation requirements outside school district boundaries

It has been requested by <Smith, Heather> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-3317/2 Topic: Pupil transportation requirements outside school district boundaries

Heather / Olsen

10/5/05

(hrg 18th)

redraft -3317

- ① pub. or pub. priv? → to pub only
- ② what sd? l. 5 p 2
- ③ stop in district?

2005 BILL

TODAY
DN ✓

PG

3

stays

regen

public school

- 1 AN ACT *to amend* 121.54 (2) (a); and *to create* 121.54 (2) (e) of the statutes;
 2 relating to: transportation of pupils ^{who live} ~~living~~ outside of school district
 3 boundaries ^{in which they are enrolled}

Analysis by the Legislative Reference Bureau

Under current law, a school district must provide transportation to and from public school for all pupils who reside in the school district two miles or more from the nearest public school they are entitled to attend. This bill requires instead that a school district provide such transportation only within the school district's boundaries. The bill also requires a school district, at the request of the pupil's parent or guardian, to transport the pupil to and from an agreed-upon stop when the pupil is living outside the school district's boundaries as the result of a joint custody arrangement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 121.54 (2) (a) of the statutes is amended to read:

121.54 (2) (a) Except as provided in sub. (1), every school board shall provide

transportation to and from public school within the school district's boundaries for

^④ This bill provides that if a pupil ~~who~~ ^{enrolled} in the school district, the school board shall provide transportation to and from public school within the school district's boundaries.

with certain exceptions

that the request of the parent or guardian of the school district must

transport the pupil to and from an agreed-upon location within the school district

BILL

1 all pupils who reside in the school district 2 miles or more from the nearest public
2 school they are entitled to attend.

3 **SECTION 2.** 121.54 (2) (e) of the statutes is created to read:

4 121.54 (2) (e) Notwithstanding par. (a), upon the request of ^{the} a pupil's parent or
5 guardian, ^{the} a school district shall transport a pupil to and from an agreed-upon stop
6 ^{at a} ~~when the~~ pupil is living outside the school district's boundaries ^{in which he or she is enrolled} because the pupil's
7 parents or guardians have joint legal custody, as defined in s. 767.001 (1s), of the
8 pupil ^{at}.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to the transportation of pupils in the school year
11 beginning after the effective date of this subsection.

12 (END)

(location within the
school district.)

(DN)

Heather -

=
If this bill does not address the transportation
= ~~efforts~~ to ^{one from} private school of pupils
who are under ^{joint} custody agreements,
with one parent living outside the school
district in which the pupil is enrolled. OK?

PL

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

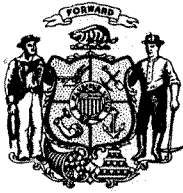
LRB-3317/3dn
PG:wljjf

October 5, 2005

Heather:

This bill does not address the transportation to and from *private* school of pupils who are under joint custody agreements, with one parent living outside the school district in which the pupil is enrolled. OK?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3317/3
MJL&PG:wljje

Today
PN

2005 SENATE BILL

reger

1 AN ACT *to amend* 121.54 (2) (a); and *to create* 121.54 (2) (e) of the statutes;
2 relating to: transportation of public school pupils who live outside the school
3 district in which they are enrolled.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a school district must provide transportation to and from public school for all pupils who reside in the school district two miles or more from the nearest public school they are entitled to attend. This bill provides that if a pupil enrolled in the school district is living outside the school district as the result of a joint custody arrangement, at the request of the pupil's parent or guardian the school district must transport the pupil to and from an agreed-upon location within the school district.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 121.54 (2) (a) of the statutes is amended to read:
5 121.54 (2) (a) Except as provided in sub. (1), every school board shall provide
6 transportation to and from public school within the school district's boundaries for

SENATE BILL**SECTION 1**

1 all pupils who reside in the school district 2 miles or more from the nearest public
2 school they are entitled to attend.

3 **SECTION 2.** 121.54 (2) (e) of the statutes is created to read:

4 121.54 (2) (e) Notwithstanding par. (a), if a pupil is living outside the school
5 district in which he or she is enrolled because the pupil's parents or guardians have
6 joint legal custody, as defined in s. 767.001 (1s), of the pupil, upon the request of the
7 pupil's parent or guardian, the school district shall transport the pupil to and from
8 an agreed-upon location within the school district.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to the transportation of pupils in the school year
11 beginning after the effective date of this subsection.

12 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3317/3dn
PG:wlj:jf

October 5, 2005

Heather:

- ① This bill does not address the transportation to and from *private* school of pupils who are under joint custody agreements, with one parent living outside the school district in which the pupil is enrolled. OK?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

→ 20₂₀ This redraft (14) corrects a couple of typos in 13 ①

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3317/4dn
PG:wlj:ch

October 5, 2005

Heather:

1. This bill does not address the transportation to and from *private* school of pupils who are under joint custody agreements, with one parent living outside the school district in which the pupil is enrolled. OK?
2. This redraft (/4) corrects a couple of typos in /3.

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Managing Attorney
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E-mail: peter.grant@legis.state.wi.us